

Application Number 09/637,388  
Applicant: Riley et al.  
Art Unit 2178

### Double Patenting

The Examiner objected to claim 35 for being a substantial duplicate of claim 41. Both claim 35 and 41 have been cancelled.

### 35 U.S.C. 102

The Examiner has rejected claims 1-16, 18-31 and 33-44 as being anticipated by Rivette et al. (U.S. Pat. No. 5,806,079). "Rivette et al." is hereinafter referred to as "Rivette." Claims 1-16, 18-31 and 33-44 have been cancelled. By the amendments presented herewith, the claims of the present invention are patentably distinct from those of Rivette.

The present inventors have developed a method to allow annotation in an on-line environment without requiring the use of a separate software application. This invention provides numerous advantages, such as (i) reduced cost, as users are not required to purchase additional annotation software, (ii) low risk, as users are not required to install additional applications or download potentially damaging software in order to use the features and functions of the invention; and, (iii) ease of use, as the invention does not require users to learn new techniques and/or functions of third party software.

Rivette teaches a stand-alone annotation system (often referred to as a "fat client application"). It is necessary to purchase or download Rivette's program in order to use it, and Rivette's program is installed on to the hard drive of the user's computer. The invention, in contrast, is more analogous to the product offered by an application service provider. As presently claimed, the invention is run entirely from a remote location, and users access the

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invention through their web and/or intranet browsers (e.g., Internet Explorer, Netscape Navigator). Unlike Rivette's program, the invention does not launch or run on the user's computer. Instead, it launches and runs on assignee's servers, and the display and/or output of the invention is transmitted to the user's computer via an Internet or intranet connection.

Since the invention requires the use of a browser, there are limitations as to the type of programming code that may be utilized by the invention. Put another way, the invention can only use programming code that is accepted by, and able to be displayed through, a browser. Most browser-capable programming is done in javascript or html. Both of these programming languages have limited functionality that, in turn, limits the functionality of the invention. Rivette, however, does not encounter this problem since Rivette's program is installed entirely on the user's computer, and can take advantage of any number of operating platforms and programming languages.

Another aspect that distinguishes Rivette's program from the invention is the size of the applications themselves. Since, in the case of the invention, virtually all processing is done on the assignee's side, the amount of data transmitted between the assignee and the user is relatively small. By contrast, Rivette's program requires processing to be performed by the user's computer, therefore, the amount of data loaded onto the user's computer is relatively large.

Along the same lines, the invention is highly bandwidth-dependent. Since users of the invention access the invention's features via an Internet or intranet connection, assignee must exchange data with its customers in a highly compact, efficient and effective manner. Rivette, on

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the other hand, is not as concerned with the transmittal of data since Rivette's program is loaded onto a user's hard drive where it can be accessed quickly without the aid of an Internet or other network connection.

Rivette is concerned with the organization of data. In his examples (col. 38, line 9 to end), Rivette links to a large variety of information, such as books on lions, drafts of a script, actors' contracts, etc. from different locations. Rivette allows all of this information to be stored in one location, to ease organization. The invention, however, is directed to note-taking that occurs during the online learning process. A student accesses a course and takes notes related thereto. The notes may or may not contain links back to the course. However, the student has access to her notes forever, as she would if she had written them in a notebook.

As Rivette does not meet the limitations of the current claims, reconsideration and allowance are respectfully requested.

### 35 U.S.C. 103

The Examiner has rejected claims 17 and 32 as being unpatenable over Rivette. Claims 17 and 32 have been cancelled. By the amendments presented herewith, the claims of the present invention are patentably distinct from those of Rivette.

As discussed above, the invention as presently claimed is not anticipated nor obvious in view of Rivette. Rivette teaches a stand-alone annotation system. The invention as presently claimed is directed to an annotation system that is resident at an educational web site. It would not have been obvious to one of ordinary skill in the art to utilize the teachings of Rivette to

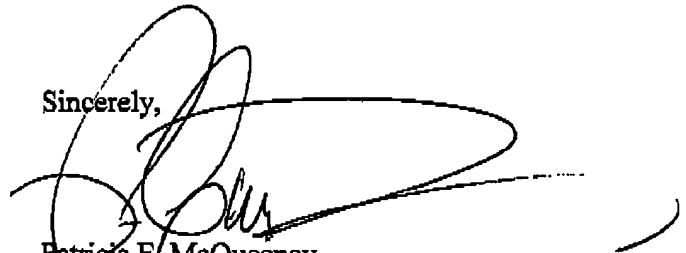
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remedy the problem with which the present inventors were concerned because on-line programs require special programming distinct from that of stand-alone programs.

Rivette does not meet the limitations of the current claims. Nor does Rivette provide motivation to change his stand-alone program to one that is resident within an on-line program. Finally, there is no expectation that Rivette's program would work in an on-line environment. In fact, one would expect that it would not because of the different programming requirements for stand-alone computer programs as compared to web-accessed computer programs.

Applicants have responded to all of Examiner's rejections. Reconsideration and allowance are respectfully requested. Examiner is free to contact undersigned if any difficulties remain in the allowance of this invention.

Sincerely,



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